

# 6th District Update

## *Fearey's First Edition*

According to a March 21, 2004 article in The New York Times, "The United States is transforming itself into a nation of ex-convicts. The American prison system disgorges 600,000 angry, unskilled people each year." Almost 7 percent of U.S. adult residents have spent some time in jail in our country where we are imprisoning people at 14 times the rate of Japan.

The article continues to talk about the problems these men and women face upon their release. "They are commonly denied the right to vote, parental rights, drivers' licenses, student loans and residency in public housing." Those committed of drug offences are also ban for life from food stamp and welfare eligibility – even if only convicted of a single drug felony.

The article continues on to tell part of the story of a young woman who was convicted to 20 years to life for her first drug offense. It details some of the problems she and her children faced with trying to cope not only with the jail time, but also with her struggle to create a life for herself outside the prison walls.

The reason I found this article so timely is due to the discussions that have been occurring in Wichita over the last several years as our community tries to cope with the offender reentry process. In February 2002, a Wichita Assembly was held to address this issue. One of the results of the assembly was the creation of a community wide task force charged with recommending a plan to the City Council. This task force has worked during the intervening time with state and local officials and program providers. The Sedgwick County Commission and the City Council were presented with their findings at a workshop earlier this year. County and City staff then met and developed a proposal that was presented to both governing bodies last week. The county approved the establishment of a Reentry Pilot Project. This would be a partnership between the City, County, and Kansas Department of Corrections and be targeted to high-risk offenders leaving Kansas prisons and entering Sedgwick County. The pilot project would address the critical needs of offender reentry (employment, housing, public safety and support services). It would identify the impact on jail utilization, require a defined budget, measurable outcomes and financial and program reports. The estimated start date to initiate the pilot project is January 2005 and the duration would be for one year.

Unfortunately, the City Council did not pass the same proposal. Instead, comments such as, "The agenda report does not tell me anything. All I see is the sugarcoating of what a criminal really is. The report is calling the criminals 'offenders and clients,' which offends me." Another comment was that, "by setting up this organization, it is giving the citizens a false sense of security."

These types of comments worry me greatly. Whether we like it or not, approximately 1800 prisoners each year are released by the State of Kansas and return to Sedgwick County. About 50% of them will end up re-offending and returning to prison. Without spending inordinate amounts of our tax dollars (or perhaps new tax dollars) we cannot keep these people locked up. Even if the state kept them incarcerated until the end of their sentence, someday they will have served their time and they will try to return to society.

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### **CENTRAL RAIL CORRIDOR AWARD**

The Wichita Central Corridor project received an Honor Award for unrealized design from the Texas Chapter of the American Society of Landscape Architects (ASLA). ASLA Honor awards are limited and are reserved for highest recognition of a small number of projects. The Central Corridor project is also receiving accolades from the American Planning Association (APA) where we will present it at the APA national conference in Washington D.C. in late April. The APA selects projects from a large number of submittals for presentation at their national conference. The City of Wichita can be very proud of this project and the attention it is receiving in Texas and nationally. Congratulations to City of Wichita staff for their hard work with this project!

## Office Space for Patrol South Bureau Community Police Operations

In the fall of 1999, the patrol South Bureau community policing (CP) operations were moved to a facility owned by the city at 539 S. Water. Since then, CP officers and Special Community Action Team (SCAT) officers have worked from that location to address neighborhood and business concerns in the bureau. The neighborhood basing of CP operations has been a key component of the Wichita Police Department's philosophy. The CP officers make use of many other neighborhood locations throughout the city in order to better serve the citizens.

The locations on South Water will be torn down as part of the Water Walk development. Office space was offered at 321 N. Mead for the CP



operations. There were no other City owned properties in the area that would have been viable options.

The proposed site in Old Town offers working space and has adequate parking for police cars and citizens. This location also provides quick and easy access for officers and will enhance public safety in the core area of the City, particularly the Old Town area. Construction and remodeling will be completed and the officers will move into the space sometime in April 2004. The officers will be allowed to work out of this site for the next three years at no additional cost to the city.

## Celebrate Summer 2004

Schedule your Saturday, June 5 from 1-5 p.m. to come and spend time at the Evergreen Neighborhood City Hall annual festival. We will have a fun-filled day of activities, food, entertainment and surprises. If your organization is interested in having a booth with food, sales, help with some games or participate in some

entertainment, contact Terri Dozal at 303-8042. She can give you more details on the event. **Bring your family and spend the afternoon.**



**Don't miss out on the fun!!!!**

### Fearey's First Edition continued

This leaves us two basic choices. We can try to help these people reintegrate, or we can take our chances that a friend, a loved one, or perhaps oneself will become the victim of one of those 50% who commit a new crime. Personally, I'm ready to try programs that help these individuals find help and resources to turn their lives around. I see these programs as being a safety net for our citizens so that they run less of a risk of being victimized.

When I moved to approve the Implementation Plan for the Offender Reentry Initiative with recommendations, I was asked to amend it, which I did so that we could keep something moving forward in this important process. The motion that was finally passed by the City Council reads as follows (City Council minutes):

"Fearey moved to send this item to the DABs and for the Alternative Correctional Housing Board to review and make recommendations on where they see themselves fitting in if they should be done away with or be kept at least through the pilot program and to have staff send a letter to those individuals who served on the Task Force

and see if they have closed out their work or would like to have one more meeting to see what kind of comments the Council has and if there is anything that they would like to add but let them know this would be their final meeting and, out of that meeting let council know if they would want to be included in the Criminal Justice Coordinating Council, and if so, if they recommend someone to serve on it." (My apologies to my former English teachers for this sentence.)

The motion carried 5 to 2 with Gray and Mayans voting no.

I am encouraged that by taking this issue to the DABs that their input will spur us forward to more definitive action. I see this as one of the biggest issues our community is facing. I am not willing to sit by and let the unwillingness of others dictate that people who need help will be put into our vulnerable neighborhoods without the assistance they need to become productive members of our society instead of a drain on our tax dollars.

Sharon Fearey

## **Cornejo C & D Landfill at 31<sup>st</sup> Street South and the River**

The applicant in this case was seeking a six-year, nine-month extension to the current April 1, 2004 City Council deadline requiring the applicant to complete and halt construction and demolition (C&D) landfill operations at this location. The proposed extension would allow C&D landfill activities to continue until December 31, 2010. When landfill operations cease, the site is expected to be re-developed into a park.

The Kansas Department of Health and Environment (KDHE) has a prohibition on issuing permits for landfills located within a ½ mile of a navigable river (now KSA 65-3407(l)(1)). The site is adjacent to the Arkansas River. KDHE advised the applicant they would not renew their permit to continue operations. The Secretary of KDHE has determined that the original permit was issued in error, and upheld the denial of a permit renewal in a final order issued January 9, 2004. Cornejo & Sons, Inc. has appealed that denial to District Court where it is pending.

The City's Comprehensive Plan contains objectives that recognize the need to minimize the potential for environmental contamination while maintaining cost efficiency by proper management of construction debris generated throughout the County. The City and State have recognized the impact of pollution on the Arkansas River and its subsequent spread through the river's area as potentially detrimental to the public health and the environment. The Arkansas River has status as a "navigable stream used for interstate commerce."

The Metropolitan Area Planning Commission (MAPC) reviewed this request on January 22, 2004. Two motions were made, one to approve as requested, and one to deny. Both of these motions resulted in two 4-4, tie votes that resulted in a recommendation to deny the request. The applicant has exercised his right to appeal the MAPC denial to the City Council. At MAPC, seven citizens spoke, all in opposition. They cited concerns with: increased truck traffic, trash, dust and the extra expense incurred by area businesses having to deal with trash and dust negatively impacting outdoor displays. At least one speaker also noted that the landfill is not in compliance with KDHE regulations dealing with navigable rivers used for interstate commerce, and the Commission should not support a noncompliant use. The applicant countered with explanations that they have not received a single complaint, that the dust is generated by a use that is not associated with the landfill, and that the issue of a KDHE permit is a separate matter from the Conditional Use, and should not be used when considering their request.

District Advisory Board III heard this request on February 11, 2004. DAB III recommended denial (8-0) on the basis that the site is located too close to neighborhoods, resulting in negative impacts that other neighborhoods in the city are not asked to live with. The applicant was asked what they would do if this site had to close down, and if the site could be re-developed with other commercial uses, and what role the applicant would play in developing the site as a park once operations cease.

This zoning issue resulted in much debate from the council bench. Council Member Lambke moved to return the application to the MAPC for reconsideration. This motion failed 3 to 4. (yeas: Lambke, Fearey, Brewer); (nays: Gray, Mayans, Schlapp and Martz)

Mayor Mayans moved to approve an extension until April 1, 2005, to direct Staff to work with the neighborhood to mitigate as a joint effort regarding the dust and trash concerns --also with the operator; that the City contact the operator to review the post lease grading and cover plan. Findings are:

- a. construction and demolition landfills provide a lower cost method of disposing of these materials
- b. the dust and trash concerns of the neighbors should be mitigated by the joint efforts of the City and the operator
- c. the additional will enable the operator to bring the site into greater conformity with the final grading and cover plan; and
- d. that it also enables the City to better prepare for the post lease acceptance of the site.

Motion carried 5 to 2. (nays: Lambke and Fearey)

I did not support this motion because this issue was looked at last year and at that time Council gave the extension to allow KDHE to make their findings. They have now done that. The Council was then being asked to give another year's extension to allow the application to appeal. I was uncomfortable with doing that. The Council had a recommendation of Staff denial, DAB denial and MAPC in limbo. I felt that the council should concur with the citizens and with KDHE and deny the extension. However, the motion carried 5 to 2 with Lambke and me voting against it.

# Portable Storage Containers

At the March 2, 2004, City Council meeting an ordinance creating a license requirement for portable storage container companies along with new screening requirements was approved. Due to the expanding use of such containers in the late 1990's, primarily in retail locations, the City began receiving complaints from citizens and neighborhood associations about their use, primarily related to their appearance/condition, the number placed on certain sites, and the highly visible location of some units.

Below is a synopsis of the proposed licensing ordinance:

- Defines portable storage containers and portable storage container contractors.
- Sets forth a specific requirement that persons or companies engaged in the selling, renting or otherwise providing portable storage containers, which involves in whole or in part the placement, location, erection, relocation alteration or affixing of portable storage containers, must obtain a license from the City to conduct such business.
- Exempts business and property owners who own their own containers from licensing, although still requiring them to place and locate such containers in accordance with the UZC.
- Establishes an initial and annual license fee of \$60.
- Establishes procedures for license review and/or probation, suspension or revocation hearings and appeals.
- Establishes enforcement authority and minimum enforcement and notification procedures.
- Sets forth other standard penalties for violation of portable storage container regulations.

Currently, the containers must be within ten feet of the principal building in addition to meeting side and rear setback requirements and being a minimum of 20 feet from any abutting property zoned TF-3 or more restrictive. The proposed changes would allow the containers to be more than ten feet from the building, but only if the containers were screened in accordance with the UZC, and from view of residential zoning, or arterial streets by landscaping, berms, or by other nonresidential buildings. Also it increases the maximum size of units from 200 to 320 square feet for properties where the principal buildings are less than 3,200 square feet.

In addition to these screening requirements, the motion I made to approve the proposed amendment included residential usage and a request that the issue be brought back to the Council in one year for an update. Both the ordinance update and the new screening requirements passed unanimously.



## 21<sup>st</sup> Street Plan Underway

The City of Wichita is holding public meetings to bring together community stakeholders to continue to work on developing and preparing a vision, concept, and strategic action implementation plan for future land use revitalization of targeted segments of the 21<sup>st</sup> Street North corridor.

The Corridor is located between Hillside and Amidon, including the north central industrial area. The first public meeting took place in February, where the public discussed with consultants the strengths, weaknesses and opportunities that exist within the 1634 acre project site. The consultant team is headed by EDAW, Inc. in association with Transystems, ERA, RONIN, and CDM.

There will be a public meeting to introduce the project team to the community, **Wed., April 21, from 6-8 p.m.** at the Minisa Park Enclosed Shelter, located at 704 W. 13<sup>th</sup> St.

Project staff will provide an analysis of the plan area and discuss with participants possible redevelopment alternatives.

The study area loosely includes Hillside to the east, Amidon to the west, 20<sup>th</sup> to 22<sup>nd</sup> streets, and a larger north-south area that extends further between 17<sup>th</sup> and 33<sup>rd</sup> streets from I-135 to Broadway. This is the second of four public meetings scheduled to take place during the planning process.

**The next meeting is scheduled for Wed., June 16, from 6-8 pm.**

## **Wichita Police Department Asking for Help From Area Businesses**

As most of you are aware, business and residences in the 6<sup>th</sup> District have been “tagged” with graffiti. This causes neighborhood decay, attracts additional vandalism and other crimes, along with financial burdens associated with graffiti removal. Graffiti vandalism is a crime that affects the entire community.

Responding to this activity is a crucial part of the Wichita Police Department’s proactive approach toward crime prevention.

As a way to prevent this crime from occurring in the first place, the Community Police Officers in District VI have been visiting local



business that sell spray paint and asking them for their assistance. The businesses are being asked to adopt a policy where any person purchasing aerosol spray paint must be 18 years or older unless accompanied by a parent or guardian.

Citizens can also help in this effort by calling incidences of graffiti in to their Community Police Officer at 688-9500. The police can then document the graffiti and assist in getting it removed. Helping the police and businesses keep graffiti removed from buildings helps keep it from happening again.

## **Horace Mann Dual Language Magnet School**



An “Exemplary”  
program

The Horace Mann program offers a nationally recognized two-way dual language program where all students learn a second language through content-based instruction, while enhancing their first language. This researched based model provides a unique opportunity for students to learn English and Spanish simultaneously by providing standards-based

instruction in both languages.

Native English and Spanish speakers are united in the dual language class, which is made of up 50% English speakers and 50% Spanish speakers. This allows both groups to benefit from exposure to native speakers.

Students are then taught a highly academic curriculum in both languages. The cognitive and linguistic benefits of the dual language model are maximized over time, so families are encouraged to make a commitment to remain at Horace Mann through 8th grade. The program which was designated “exemplary” by the U.S Department of Education and recognized as a National Blue Ribbon School (1999), attracts students from all over Wichita.





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## TIRE CLEANUP

Oops! We printed the wrong dates of the Sedgwick County Tire Cleanup. The correct dates and times are:

**Thursday – Saturday, April 22 – 24**

**Thursday – Saturday April 29 – May 1**



All dates have the same times, which are 9 a.m. to 4 p.m. The locations are the North County Yard at 10530 E. 37<sup>th</sup> St. N. and the West County Yard at 4701 S. West Street

For additional information, please call Susan Erlenwein, Sedgwick County Director of Environmental Resources, 660-7200.

## Water Well Code Revision

In 1991 The City Council adopted a local water well code to protect citizens from improperly installed water wells and exposure to unsanitary conditions associated with drinking water from ground water sources. The current code requires inspection of a well after installation. Since the adoption of this code, numerous groundwater contamination sites have been identified. This post-installation inspection process has not prevented water well installations for drinking purposes in ground water contamination areas.

On December 16, 2003, City Council directed staff to appoint an ad hoc committee to review the ordinance with representation from well drilling contractors, Wichita Area Builders Association, Kansas Department of Health and Environment, the Citizens Technical Review Committee for Gilbert and Mosley and staff from Environmental Health and Water Department.

Based on three meetings with discussion and recommendations from the committee, the following amendments and fees to the existing ordinance were adopted:

- New provision for annual registration of water well drillers doing business in the City of Wichita -- \$25/driller
- New provision to allow for permit process for well location approval prior to installation -- \$25/well installation
- Clarification of well type and applicability
- New appeal process for issues arising from Department decisions.

A property owner or other holder of a legal interest in a property who knows of a water well on the property has an obligation to request a water well inspection under certain conditions including construction, reconstruction, or upon offering the property for a transfer of ownership. These samples must at least be analyzed for bacteria and nitrates.

